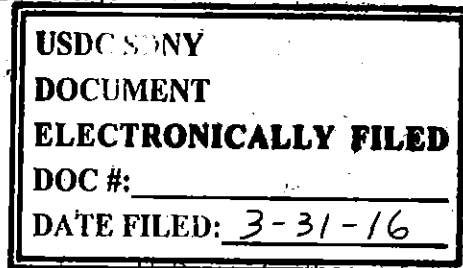




RICHARDS KIBBE & ORBE LLP



March 24, 2016

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## MEMO ENDORSED

Via ECF and Facsimile

The Honorable P. Kevin Castel  
United States District Judge for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Securities and Exchange Commission v. Wey, et al.*,  
Case No. 1:15-cv-07116-PKC (S.D.N.Y.)

Dear Judge Castel:

We represent Defendant William Uchimoto in connection with the above-referenced matter. The Initial Pretrial Conference is scheduled for April 29, 2016.

Three defendants (Mr. Uchimoto, Robert Newman and Doğan Erbek) have filed pre-motion letters requesting permission to file motions to dismiss the claims asserted against them in the Amended Complaint filed by the Securities and Exchange Commission on November 9, 2015. (ECF Nos. 78, 81 and 87.) On March 21, 2016, counsel for the SEC informed counsel for Mr. Newman (with copies to my firm and Mr. Erbek's firm) that the Commission does not intend to move to further amend the Amended Complaint.

The Court has ruled that Mr. Newman may file his motion once the current stay is lifted, but has not yet addressed the pre-motion letters of Mr. Uchimoto and Mr. Erbek. (See ECF No. 80.) No party or intervenor has expressed opposition to allowing dispositive briefing to go forward. In the absence of any such opposition, we respectfully request that Messrs. Uchimoto, Newman and Erbek now be permitted to file their motions to dismiss to test the sufficiency of the Amended Complaint and so that the Court can efficiently narrow the case as warranted.

We propose that the Court apply to those defendants the following briefing schedule, which is based on the briefing schedule previously entered with respect to Mr. Newman: Moving papers due April 14, 2016; 14 days thereafter for opposition papers; and 7 days for reply papers. (See ECF No. 80.) On March 22, 2016, counsel for Mr. Newman informed counsel for the Commission of the defendants' intent to make the present application and seek a briefing schedule on the motions to dismiss. As of the time of this writing, the Commission has not responded or otherwise objected.

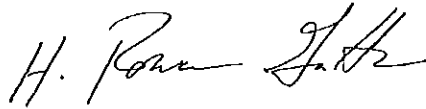
*I will address the matter at the April 29 conference*  
*SOO ROER*  
*VS05*  
*3-31-16*

The Honorable P. Kevin Castel  
March 24, 2016

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Counsel for Mr. Newman and Mr. Erbek consent to and join this application for the relief sought herein.

Respectfully,

A handwritten signature in black ink, appearing to read "H. Rowan Gaither". The signature is fluid and cursive, with the first name "H." and last name "Gaither" clearly distinguishable.

H. Rowan Gaither

cc: All Counsel of Record (via ECF)